

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX DIGITAL  
GROUP, LLC; DAVID SCHAEFER; JORDAN  
GREEN; JEFFREY CONWAY AND JAMES  
MAY,

Defendants.

No. 2:21-cv-811

**PLAINTIFF BUNGIE, INC.'S  
UNOPPOSED MOTION TO SEAL**

NOTE ON MOTION CALENDAR:  
July 7, 2023

At the request of Defendants AimJunkies.com, Phoenix Digital Group, LLC (“Phoenix Digital”), David Schaefer, Jordan Green, Jeffrey Conway, and James May (collectively, “Defendants”), Plaintiff Bungie, Inc. (“Bungie”), pursuant to LCR 5(g) and the Stipulated Protective Order entered by the Court in this matter (Dkt. No. 60), hereby moves to file under seal references to Exhibits E (Dkt. No. 103) and F (Dkt. No. 104) to the Declaration of Christian W. Marcelo in Support of Bungie’s Motion for Discovery Sanctions and to Compel Discovery Responses (“Marcelo Decl.”) that are made in Bungie’s Supplemental Briefing in Support of Spoliation Sanctions Under Fed. R. Civ. P. 37(e) (the “Motion”).

A party may file a document under seal without prior court approval “[i]f the party files a motion or stipulated motion to seal the document . . . at the same time the party files the sealed document.” LCR 5(g)(2)(B). The contemporaneous motion must include a certification that the

PLAINTIFF’S MOT. TO FILE UNDER SEAL  
(No. 2:21-cv-811) – 1

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1 parties met and conferred about the need to file the document under seal, the ability to minimize  
 2 the material filed under seal, and the possibility of exploring alternatives to filing under seal. LCR  
 3 5(g)(3)(A). Where the parties have entered a stipulated protective order, a party wishing to file  
 4 confidential documents it obtained from another party in discovery may file a motion to seal but  
 5 need not provide a specific statement of the applicable legal standard and the reasons for keeping  
 6 a document under seal. LCR 5(g)(3)(B).

7 Here, Bungie has already filed Exhibits E and F to the Marcelo Declaration under seal in  
 8 connection with its Motion for Discovery Sanctions and to Compel Discovery Responses (Dkt.  
 9 No. 101). These exhibits were designated as Confidential by Defendants, and Bungie refers to  
 10 those exhibits in the Motion. Bungie has an obligation to maintain the confidentiality of this  
 11 information under the Stipulated Protective Order in this case and the virtually identical order in  
 12 the arbitration proceeding. The parties corresponded regarding the need to file these exhibits under  
 13 seal prior to Bungie's March 30, 2023 filing of its Motion for Discovery Sanctions and to Compel  
 14 Discovery Responses (Dkt. No. 101).

15 A proposed order accompanies this motion.

16 Dated: July 7, 2023

By: /s/William C. Rava

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 Christian W. Marcelo, Bar No. 51193  
 Jacob P. Dini, Bar No. 54115  
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